

## SENATE BILL NO. 289

INTRODUCED BY V. JACKSON

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING HARASSING, KILLING, OR INJURING POULTRY AS A BASIS FOR DECLARING A DOG A PUBLIC NUISANCE AND KILLING IT; REQUIRING THE OWNER OF A DOG HARASSING, KILLING, OR INJURING POULTRY TO BE CHARGED WITH A MISDEMEANOR; AND AMENDING SECTION 81-7-401, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 81-7-401, MCA, is amended to read:

**"81-7-401. Killing of dogs harassing, destroying, or injuring stock or poultry -- notice to owner**

**-- penalty.** (1) As used in this section, "harasses" means worries, chases, or runs after livestock, including ostriches, rheas, and emus, or poultry in a manner that may lead to subsequent injury to the livestock or poultry.

(2) A dog, whether licensed or not, that, while off the premises owned or under control of its owner and on property owned, leased, or controlled by the livestock or poultry owner, harasses, kills, wounds, or injures livestock or poultry not belonging to the owner of the dog is considered a public nuisance and:

(a) may be killed immediately by the owner of the livestock or poultry or by an agent or employee of the owner; or

(b) must be killed by the owner of the dog, when reasonably notified after due process, ~~shall kill the dog~~ within 24 hours of notification. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed.

(3) A dog may not be killed in a manner that will endanger a person.

(4) This section does not apply to a dog herding livestock under the direction of its owner or the agents or employees of its owner.

(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner.

(6) The owner of a dog that harasses, kills, wounds, or injures livestock or poultry is guilty of a misdemeanor and upon conviction shall be fined not more than \$500."

- END -